

ANNEX 4 – AMENDMENTS TO PART 9.2 AND PART 9.6

COMMENTARY ON AMENDMENTS TO TEXT OF 9.2 AND 9.6

Part 9.2

Heading	In heading and throughout document references to “Members” where possible changed to “Councillors”
1.(a)/(b)	Removal of superfluous text (eg was there ever any suggestion that members did not have to comply with “relevant statutory provisions”?)
1.(c)	If the MO chooses to nominate someone else to deal with the enquiry, this will be done on an ad hoc basis – no need to refer to the possibility here
2.	Reference to Article 6 removed
3.	Amendment made to make right for Opposition to attend and make statement unqualified. Any provision “for the avoidance of doubt” is by nature not essential, so removed.
4.	Informal arrangements can always be made by mutual agreement and need not be referred to
5.	The right is absolute and that is the appropriate thing to include in the Constitution. Practical matters like timing are for mutual agreement each year and do not need to be referred to
6.	Amendments reflect the fact the substitution procedure seemed over-complex. Restrictions on tweeting/blogging removed as considered unnecessary
7.(b)	Members wanted clarification on the appropriate recourse if Cabinet member endorsement was not available
7.(c)	Members wanted clarification on the appropriate recourse if Chair refused to include an item
8.(a)	Superfluous material removed
8.(b)	Procedures simplified regarding provision of documents
8.(d)	There was never any suggestion that members were prevented from viewing public documents on the OCC website, so this is not necessary
9.(a)	The deleted words are vague and are covered in any event by the reference to “effective communication” in the previous sentence
9.(b)	The Protocol is about members’ rights (not about OCC staff procedures). The first sentence is clear about the duty to keep members informed. How this is in practice done is a matter for OCC staff to determine
9.(c)	“Significant issues” covers all the words deleted after it
9.(c)(iii)	This subsection is all about matters affecting a member’s division, so the repetition of reference to members’ divisions is unnecessary
9.(c)(iv)	The word “decisions” covers <i>all</i> OCC decisions (however made) anyway – no need for further words
9.(d)	“appropriate” is a vague word and adds nothing when “significant” has already been used
9.(e)	if an MP originally copied correspondence to a Cllr, s/he has indicated his/her willingness for it to be copied to a Cllr

9.(f)	a right to attend automatically implies a right to advance notification
11.(c)	Clause 1(a) said that interpretation was for a matter for the MO – no need to repeat that again here
11.(d)	As 11(c) above
12.	Not necessary – the clause states earlier that all councillors will be asked immediately after election to undergo a DBS check. If they have reasons for believing they do not need to undergo one, they can raise them then.

Part 9.6

1.	This clause is very “waffly” and the removal of superfluous text makes it clearer
2.	As 1 above. Vague aspirational language removed
3.(a)	Not necessary to cross-refer
3.(b)	Not necessary to cross-refer. Otherwise, vague aspirational language removed
4.	The words removed are superfluous
5.(a)	The only important thing is confirming that officers must provide “the support necessary” (which the clause does). Directors are also officers and there is no need to treat them differently. The text removed does not add anything
5.(b)	As 5(a) above
5.(d)	The text removed just defines what “fact and explanation” is and this is not necessary
5.(e)	Discussion of alternative policies is by nature politically contentious. Unnecessary text has been removed without changing meaning
5.(f)	The word fairly has been moved to the end, otherwise nothing is lost
7.(a)	Vague aspirational text removed
8.(a)	The important text has been retained and unsubstantiated assertions about power relationships removed
8.(b)	Superfluous text removed – there was never any suggestion that OCC did not have such procedures
9.	Clause edited with superfluous text removed – no change to meaning. The term “social media” has a clear meaning and there is no need for examples of it
10.	The only important thing is to identify the reporting lines. What disciplinary action is appropriate after a report is made should be left to the person to whom the report was made
11.(a)	Superfluous text removed
11.(b)	This is superfluous – was there ever any suggestion that OCC staff were just responsible to individual members?
11.(c)	Superfluous/repetitious text removed
11.(c)(vi)	This is a “for the avoidance of doubt” clause that isn’t necessary

12.	The purpose of the clause is to make clear that political interests will not be promoted in OCC press releases. The deleted text does not add to this.
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Clean version

Part 9.2: Protocol on Councillors' Rights and Responsibilities

1. Introduction

- (a) This Protocol sets out the rights of individual members of the Council to obtain information, inspect documents and attend meetings. This protocol should be read in conjunction with other elements of this Constitution. Advice on the interpretation of this protocol will be given by the Monitoring Officer.
- (b) In law all Councillors are equal and have the responsibilities of trustees. However, legislation, and guidance issued under it, gives certain powers and duties to the different roles which Councillors may play e.g. Chair of the Council, Leader of the Council, Cabinet member, Chair of a Scrutiny Committee.
- (c) It is the responsibility of Councillors themselves to ensure that they are aware of their rights and responsibilities. If Councillors are ever in any doubt in terms of the law, the Constitution, general propriety, conflicts of interest, they should consult the Monitoring Officer. Similarly, they should consult the Chief Finance Officer in respect of financial advice.

2. Opposition Leader, Deputy Leader and Shadow Cabinet

The largest political group on the Council which is not the Group(s) from which the Cabinet is drawn will be officially recognised by the Council as the Opposition. The Opposition may appoint a Leader, Deputy Leader and other Councillors (not being more than the number of Councillors in the Council's Cabinet) to shadow the responsibilities of the Leader and Deputy Leader of the Council and the other Cabinet members as set out in the relevant part of this Constitution. Collectively these Opposition Councillors will be termed the Shadow Cabinet. Only one member of the Opposition may be appointed to shadow any one Cabinet position.

3. Rights of the Shadow Cabinet to Make Opposition Statements at Cabinet Meetings

At meetings of the Cabinet or any committee of the Cabinet or when an individual member of the Cabinet is taking decisions in accordance with the rules set out in the Constitution, Shadow Cabinet Councillors will have the right to attend and make a formal Opposition statement on a matter under consideration. This right will extend only to the Shadow Cabinet member in relation to the functions of the Cabinet for which they are the shadow. Notice by the Shadow Cabinet of the intention to make a statement shall be given by 9 am on the working day before the meeting. Such a statement may be made at any time during the consideration of that item at the meeting and shall not exceed a period of five minutes. However, this will not prevent the person

presiding inviting the Shadow Cabinet member to make any additional comment during the consideration of that item of business. If the Shadow Cabinet member is unable to attend, then the right can be exercised by the Leader or Deputy Leader of the Opposition.

4. Rights of Shadow Cabinet Members to Private Briefings

The Shadow Cabinet members shall have the right to request private briefings from Officers and in such cases the procedures set out under political activity in the Protocol on Councillor/Officer Relations will apply.

5. Rights of the Opposition and Other Groups to Put Forward Their Own Budgets

The political groups of the Council, other than the Group(s) in power from which the Cabinet is drawn, will have the right to put forward their own proposed budgets for consideration at the relevant Council meeting (normally the February one).

6. Rights of Councillors to Attend Meetings

- (a) All Councillors have the right to attend meetings of the Full Council and to speak and vote on matters coming before it. Councillors who are appointed to a particular body (such as a committee or sub-committee) may attend, speak and where appropriate vote on matters before that body.
- (b) Any member of a committee or sub-committee, who is unable to attend a meeting of that committee or sub-committee may give notice directly or indirectly to the Director of Law & Governance of their resignation from the committee or sub-committee on a temporary basis for the duration of that meeting only. Upon receiving notification of any such temporary resignation, the Director of Law & Governance shall make a temporary appointment to the committee or sub-committee for that meeting only.
- (c) All Councillors have the right to attend, as non-speaking observers, any meeting of the Cabinet or a committee of the Cabinet where decisions are to be taken, or of a Scrutiny Committee (or sub-committee), or of a committee (or sub-committee) of the Council or when an individual Cabinet member is taking decisions. Councillors may attend and speak at any meeting to which they have been invited either as part of any rights conferred by this Constitution (including the Councillor Call for Action in Part 9.3, which enables Councillors to require matters relating to the area they represent to be considered by the relevant Scrutiny Committee) or at the invitation of the person presiding at any meeting.

- (d) The rights conferred in (c) above do not apply in relation to any part of a meeting from which the public has been excluded. A Councillor has a right to attend that part of a meeting, as a non-speaking observer, if they can demonstrate a 'need to know'. Where a Councillor wishes to attend as they believe that there is a 'need to know' in order to properly fulfil their duties as a Councillor then the following procedure should be followed:
1. The request should be made in writing to the Chair of the committee, giving reasons why it is necessary for the Councillor to attend the meeting in order to fulfil their duties as a Councillor.
 2. The Chair of the committee may decline the request of a Councillor to attend where in their view attendance:
 - is not necessary for enabling the Councillor to fulfil their duties as a Councillor; and/or
 - should not be allowed for some other good reason(s) (which reason(s) shall be specified in writing to the Councillor).
 3. Where a Councillor is dissatisfied with a determination of the chair under this procedure, they may refer the matter to the Monitoring Officer for determination.
- (e) The Leader of the Council, the Deputy Leader of the Council, the Leader of the Opposition (or their substitutes) and the Chair of the Council shall be entitled to attend and speak but may not vote at meetings of any Council committee or sub-committee (not being a sub-committee which is dealing with individual cases) of which they are not a member.
- Any Councillor may at the invitation of the Cabinet, committee of the Cabinet, individual member of the Cabinet, Scrutiny Committee or committee and sub-committee of the Council, participate in any informal Councillor advisory group(s), established by those individuals or bodies, except that no member of the Cabinet may serve as a member of any advisory group established by a Scrutiny Committee.

7. Rights of Councillors to Place Items on Agenda

- (a) All Councillors will have the right to propose a motion for consideration at a meeting of the Full Council.
- (b) In accordance with the Cabinet Procedure Rules, the following will apply to placing Councillor items on the agenda of the Cabinet:-
- (i) Any member of the Cabinet may request the Proper Officer that an item be placed before the Cabinet. The Proper Officer will arrange for the Cabinet to consider, in the context of the Forward Plan, what arrangements to make for consideration of that item.
 - (ii) Any Councillor may make a request through a member of the Cabinet that an item be placed before the Cabinet. If the Cabinet member endorses the request and so notifies the Proper Officer, that Officer will arrange for the Cabinet to consider in the context of the Forward Plan what arrangements to make for consideration

of that item. When any such item is considered by the Cabinet the agenda for the meeting will give the name of the Councillor who asked for the item to be considered. The individual Councillor shall be invited to attend and speak at the meeting during consideration by the Cabinet of that item. If a Councillor believes that a matter should be placed before Cabinet but has been unable to get the necessary Cabinet Member endorsement, they should notify the Monitoring Officer.

- (c) In accordance with the Scrutiny Procedure Rules, the following will apply to placing Councillor items on the agenda of a Scrutiny Committee:
- (i) Any member of a Scrutiny Committee shall be entitled to give notice to the Proper Officer that they wish an item relevant to the functions of the committee to be included on the agenda for that committee. The Proper Officer will then inform the Chair of the committee. If the Proper Officer receives the request at least 10 working days before a scheduled meeting of that committee they will include it on the agenda for that meeting; otherwise it will be placed on the agenda for the following meeting of that committee. The individual member shall have a right to speak at the meeting during consideration by the Scrutiny Committee of that item.
 - (ii) Any Councillor shall be entitled to give notice, under the Procedure for a Councillor Call for Action set out in Part 9.3, to the Proper Officer that they wish an item concerning their Electoral Division and which is relevant to the functions of the committee to be included on the agenda for that committee. If the Proper Officer receives the request at least 15 working days before a scheduled meeting of that committee they will include it on the agenda for that meeting; otherwise it will be placed on the agenda for the following meeting of that committee. The Councillor shall have a right to speak at the meeting during consideration by the Scrutiny Committee of that item.
 - (iii) The leader of any political group on the Council may request the Chair and Deputy Chair of a Scrutiny Committee to include an item relevant to the functions of the committee on the agenda of that committee. If the Chair and Deputy Chair so agree, they shall request the Proper Officer to include such item on the agenda of that committee. If the Proper Officer receives the request at least 10 working days before a scheduled meeting of that committee they will include it on the agenda for that meeting; otherwise it will be placed on the agenda for the following meeting of that committee.
 - (iv) Any 10 members of the Council who are not members of the relevant Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of the relevant Scrutiny Committee. If the Proper Officer receives the request at least 10 working days before a scheduled meeting of that committee and the Chair of the committee agrees, they will include it on the agenda for that meeting; otherwise (subject to

the agreement of the Chair of the committee) it will be placed on the agenda for the following meeting of that committee. Any disputes over the refusal of the Chair of the committee to include items shall be referred to the Monitoring Officer.

- (d) Any Councillor may request the Proper Officer to include an item on an agenda for a Council committee or sub-committee (other than a Scrutiny Committee – provisions for which are set out above) provided that the Chair of the committee agrees and:
- (i) notice of the request is received by the Proper Officer by 5.00 p.m. on the tenth working day before the meeting of a committee or sub-committee;
 - (ii) the subject matter of any such notified item is relevant to the powers/functions of the committee or sub-committee; and
 - (iii) the item will normally be for oral report unless 20 working days' prior notice is given to enable a report to be prepared.

The individual Councillor shall be invited to attend and speak at the meeting during consideration by the committee or sub-committee of that item. Any disputes over the refusal of the Chair of the committee to include items shall be referred to the Monitoring Officer.

8. Information for Councillors

(a) Cabinet Forward Plan, Agenda, Reports and Minutes

All Councillors have the right to receive an electronic copy (or hard copy on request) of:

- (i) the Cabinet Forward Plan each month when it is published;
- (ii) the agenda, reports and minutes of each meeting of the Cabinet or a committee of the Cabinet.

The voting co-opted members (for definition see Part 6.2 para 3) of the People Overview and Scrutiny Committee will have the right to receive an electronic copy (or hard copy on request) of:

- (i) the Cabinet Forward Plan each month when it is published;
- (i) any items on an agenda of the Cabinet or any committee of the Cabinet which concern the discharge of any education functions.

(b) **Agenda, Minutes and Reports of the Council and its committees (including Scrutiny Committees)**

All Councillors will be entitled to an electronic copy (or hard copy on request) of the agenda, reports and minutes for meetings of the Full Council. All members of the relevant committee (or sub-committee) of the Council will be entitled to an electronic copy (or hard copy on request) of the agenda, reports and minutes for meetings of the committee if they so wish.

9. Effective Communication with Councillors

- (a) The Cabinet will ensure that there are effective communications with all Councillors and ensure that there is wide consultation with all Councillors both within the formal decision-making process and outside it.
- (b) Officers are required to keep Councillors informed, both about the major issues concerning the County Council and other matters which affect the County, and Directors have a responsibility to put in place mechanisms to ensure that this happens.
- (c) Officers are required to keep Councillors informed and consult them in advance about significant issues which affect or may affect the areas which a Councillor represents including:
 - (i) the sale or purchase of any land;
 - (ii) a proposed traffic management scheme or a proposed local planning application;
 - (iii) where legal/administrative action is to be taken on behalf of the Council involving the publication of statutory or other public notices;
 - (iv) consultation prior to any decision being made about the construction of any new road, service area, building or footpath or the postponement or cancellation of such projects or diversion or extinguishment of any public footpath;
 - (v) copies of letters or e-mails received from other statutory bodies informing the Council of any new scheme of works, e.g. the laying of a new sewer or gas main through the division;
 - (vi) copies of letters or e-mail messages sent by any member of the Cabinet, or an officer in reply to any District Councillor or Town/Parish Councillor on a divisional matter;
 - (vii) consultation about proposed section 106 and other infrastructure agreements and progress reports on implementation of completed agreements, in accordance with guidance issued by the relevant Director.

- (d) The Director for Children, Education & Families will ensure that Councillors are informed about significant matters concerning schools whose catchment areas lie within their divisions.
- (e) Constituency correspondence from or to a Member of Parliament will be copied to a relevant Councillor if the MP indicates a willingness for it to be copied to a Councillor.
- (f) Where the Cabinet or a committee of the Cabinet, or an individual Cabinet Councillor, or a committee or sub-committee of the Council is to consider any matter which directly relates to an Electoral Division, the Councillor for that Division will be consulted before any decision is reached. This will also apply to any Scrutiny Committee where it is reviewing a decision or investigating any matter which relates to one Electoral Division. The Councillor's right to comment will include:
 - (i) the submission of written comments to the Proper Officer for report to the decision maker;
 - (ii) attendance at the meeting at which the decision is to be made and the right to speak on it for not more than five minutes;
 - (iii) Where the decision is to be made by an individual member of the Cabinet, the local Councillor will be given every opportunity of meeting with the decision maker prior to the decision being made.
- (g) Councillors will be invited to attend the opening of a new County Council building or road scheme or other ceremonies or events in their electoral division.

10. Local Meetings

Where the Cabinet, a committee of the Cabinet, an individual Cabinet Member, a committee or sub-committee of the Council or an officer has organised any meeting to discuss with a local group(s) issues specifically affecting their divisions, the local Councillor(s) will be advised and have the right to attend and speak at such meetings.

11. Rights of Councillors to Access to Documents and Other Information

(a) Material Relating to Key Decisions

In accordance with the Access to Information Procedure Rules, all Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or a committee of the Cabinet or an individual Cabinet Member which relates to any key decision to be taken as set out in the Forward Plan unless paragraph (i), (ii) or (iii) below applies:

- (i) it is a private briefing document from an officer to the Cabinet, individual Cabinet Member or a political Group;

- (ii) it contains exempt information falling within paragraphs 1, 2, 3 (if relating to contract terms in the course of negotiation), 4, 5, 7 or 7A-C of the categories of exempt information as defined in the Access to Information Procedure Rules;
- (iii) it contains the advice of a political adviser.

Where a Councillor wishes to inspect any document, which contains exempt information falling within (ii) above as they believe that there is a “need to know” in order to properly fulfil their duties as a County Councillor then the following procedure should be followed:

1. The request should be made in writing to the relevant Chief Officer who has possession of the information, giving reasons why it is necessary for the Councillor to have the information in order to fulfil their duties as a Councillor.
2. A Chief Officer may decline the request of a Councillor to produce for inspection a document where in their view access to the document:
 - is not necessary for enabling the Councillor to fulfil their duties as a Councillor; and/or
 - should not be provided for some other good reason(s) (which reason(s) shall be specified in writing to the Councillor).
3. Where a Councillor is dissatisfied with a determination of a Chief Officer under this procedure they may refer the question to the Monitoring Officer.

(b) **Material Relating to Executive and Non-Executive Decisions and to Previous Business**

All Councillors will be entitled to inspect any document which is in the possession or under the control of the Cabinet or a committee of the Cabinet or an individual Cabinet Member or a committee or sub-committee of the Council and contains material relating to any business to be transacted at a meeting or previously transacted at a meeting unless either (i), (ii) or (iii) in (a) above applies, in which case the procedures in (a) 1 - 3 above will apply to any requests for access to confidential or exempt information.

(c) **Restriction on Disclosure of Confidential and Exempt Information**

The Code of Conduct set out in this Constitution restricts the disclosure of information by Councillors which they have gained as County Councillors when the information is confidential or exempt or is marked “Not for Publication”. Such information should not therefore be made available by the Councillor concerned to the public. When the Proper Officer has restricted circulation of the report it should not be passed on to another Councillor without the Proper Officer’s consent (which will be based on a determination of a ‘need to know’).

12. Criminal Records Checks for Councillors

In accordance with the Council's decision on 10 September 2013, all Councillors will be required immediately after their election to undergo a criminal records check through the Disclosure and Barring Service (DBS). No Councillor or co-opted Councillor shall be required to undergo checking if they have been the subject of a DBS check within the previous twelve months of their election or appointment.

13. Access to County Council Establishments

- (a) Councillors should have access to any County Council establishments or premises where this is necessary for them to discharge their responsibilities as County Councillors. However, Councillors should always inform the manager of the establishment or a senior officer responsible for the service before they visit to ensure that it is convenient to do so.
- (b) Councillors should be sensitive to the fact that some establishments will be home to those who live there and they should therefore seek to ensure that their visit does not adversely affect the running of the establishment or disturb the residents who live there.
- (c) Where Councillors wish to undertake activities in any County Council premises, this should be purely in connection with their duties as County Councillors and not for any other purpose.

14. Use of County Council Equipment and Services

Where facilities, equipment and services are provided to councillors this is made available on the basis that it is to enable them to carry out their activities as County Councillors and should be used only on that basis. A separate policy (including an Annex for Councillors and co-opted Councillors) on the acceptable use of ICT has been agreed by the Council and it is appended to this Protocol.

15. Nature of Rights

The rights of Councillors set out in this Protocol are additional to any other rights conferred by this Constitution or which they may have under the law.

Part 9.2: Protocol on ~~Member~~Councillors' Rights and Responsibilities

1. Introduction

- (a) This Protocol sets out the rights of individual ~~member~~members of the Council to obtain information, inspect documents and attend meetings. ~~It is not intended to be a comprehensive summary of the legal rights and responsibilities which members have under both statute and common law. This protocol should be read in conjunction with other elements of this Constitution, in particular the Cabinet and Scrutiny Procedure Rules, the Access to Information Procedure Rules and the Protocol on Member /Officer Relations. Standards of Conduct for members are contained in a separate Code of Conduct also set out in this Constitution. Advice on the interpretation of this protocol will be given by the Monitoring Officer.~~
- ~~(b) In law all Councillors are equal and have the responsibilities of trustees, and have the responsibilities of trustees. However, legislation, and guidance issued under it, gives certain powers and duties to the different roles which ~~member~~Councillors may play e.g. Chair of the Council, Leader of the Council, Cabinet ~~member~~member, Chair of a Scrutiny Committee. The Constitution also sets out rights and obligations on all members either in specific roles or in general. All members are required by law to:~~
 - ~~(b) comply with the Code of Conduct for Members set out in this Constitution;~~
 - ~~(b) comply with the other provisions of the Council's Constitution;~~
 - ~~(b) comply with all relevant statutory provisions; and~~
 - ~~(b) ensure that any facilities provided by the Council for members' use in undertaking their duties are used strictly for those duties and for no other purpose.~~
- (c) It is the responsibility of ~~member~~Councillors themselves to ensure that they ~~have proper advice~~are aware of their rights and responsibilities. If ~~member~~Councillors are ever in any doubt in terms of the law, the Constitution, general propriety, conflicts of interest, ~~etc~~ they should consult the Monitoring Officer, ~~or an officer(s) nominated by her/him should be consulted~~. Similarly, they should consult the Chief Finance Officer, ~~or an officer(s) nominated by her/him~~ in respect of financial advice.

2. Opposition Leader, Deputy Leader and Shadow Cabinet

The largest political group on the Council which is not the Group(s)(s) from which the Cabinet is drawn will be officially recognised by the Council as the Opposition. The Opposition may appoint a Leader, Deputy Leader and other ~~member~~Councillors (not being more than the number of ~~member~~Councillors in the Council's Cabinet) to shadow the responsibilities of the Leader and Deputy Leader of the Council and the other Cabinet ~~member~~~~members~~ as set out in Article ~~6~~the relevant part of this

Constitution. Collectively these Opposition ~~member~~Councillors will be termed the Shadow Cabinet. Only one ~~member~~member of the Opposition may be appointed to shadow any one Cabinet position.

3. Rights of the Shadow Cabinet to Make Opposition Statements at Cabinet Meetings

At meetings of the Cabinet or any ~~committee~~committee of the Cabinet or when an individual ~~member~~member of the Cabinet is taking decisions in accordance with the rules set out in the Constitution, Shadow Cabinet ~~Member~~Councillors will have the right to attend and make a formal Opposition statement on a matter under consideration. This right will extend only to the Shadow Cabinet ~~member~~member in relation to the functions of the Cabinet for which ~~s/he is~~they are the shadow. ~~The exercise of this right is subject to the prior agreement of the Leader or Deputy Leader of the Council or other Cabinet member who will be presiding at that meeting on the number of items on the agenda for that meeting on which such a statement can be made.~~ Notice by the Shadow Cabinet of the intention to make a statement shall be given by 9 am on the working day before the meeting. Such a statement may be made at any time during the consideration of that item at the meeting and shall not exceed a period of five minutes. However, this will not prevent the person presiding inviting the Shadow Cabinet ~~member~~member to make any additional comment during the consideration of that item of business. If the Shadow Cabinet ~~member~~member is unable to attend, then the right can be exercised by the Leader or Deputy Leader of the Opposition. ~~For the avoidance of doubt the rights in this paragraph are additional to any other rights of members to address the Cabinet as set out in the Constitution.~~

4. Rights of Shadow Cabinet ~~Member~~Memberss to Private Briefings

The Shadow Cabinet ~~member~~memberss shall have the right to request private briefings from Officers and in such cases the procedures set out under political activity in the Protocol on ~~Member~~Councillor/Officer Relations will apply. ~~This will not prevent, by mutual agreement, attendance by Shadow Cabinet members at the whole or part of any private briefings arranged for Cabinet and/or Scrutiny members where this would lead to the most efficient and effective use of officers' time.~~

5. Rights of the Opposition and Other Groups to Put Forward Their Own Budgets

The political groups of the Council, other than the Group(s) in power from which form(s) the Administration the Cabinet is drawn, will have the right to put forward their own proposed budgets for consideration at the February-relevant Council meeting (normally the February one), ~~subject to a timetable being agreed each year between the political groups to enable any such proposed budgets to be examined in detail by all members and the Section 151 officer, and to allow that officer sufficient time to advise the Council on the budget credibility and legality.~~

6. Rights of MemberCouncillors to Attend Meetings

- (a) All memberCouncillors have the right to attend ~~full~~ meetings of the Full Council and to speak and vote on matters coming before it. MemberCouncillors who are appointed to a particular body (such as a committee or sub-committee) may attend, speak and where appropriate vote on matters before that body.
- ~~(b) Any membermember of a committee or sub-committee, who is unable to attend a meeting of that committee or sub-committee may give notice directly or indirectly to the Director of Law & Governance of her/histheir resignation from the committee or sub-committee on a temporary basis for the duration of that meeting only. Upon receiving notification of any such temporary resignation, the Director of Law & Governance shall make a temporary appointment to the committee or sub-committee for that meeting only. The member so temporarily appointed shall be drawn from the list of eligible alternative members appointed under Council Procedure Rule 1.1.2(x) and shall have been nominated by the appropriate political group in accordance with Section 16(1) and Section 16(2) of the Local Government & Housing Act 1989 and will have complied with Council Procedure Rule 4. The member so temporarily appointed shall be entitled to attend, speak and vote at the meeting, provided that:~~
 - ~~(b) no member shall be appointed in place of more than one member at any one meeting;~~
 - ~~(b) the name of the member so temporarily appointed shall be notified to the committee or sub-committee by the Director of Law & Governance under the item in the agenda dealing with "Apologies for Absence and Temporary Appointments"; and~~
 - ~~(b) her/his appointment shall apply for the whole of the meeting in question and shall qualify for the payment of all appropriate expenses, save that if a meeting stands adjourned to a different date, a member may invoke the provisions of this paragraph (b) in respect of the resumed meetings as if it were a new meeting.~~
- ~~(c)(b) At the end of the meeting the temporary appointment shall cease and the Director of Law & Governance shall reappoint the original member.~~
- ~~(d)(c) All memberCouncillors have the right to attend, as non-speaking observers, any meeting of the Cabinet or a committee of the Cabinet where decisions are to be taken, or of a Scrutiny Committee (or sub-committee), or of a committee (or sub-committee) of the Council or when an individual Cabinet Membermembers is taking decisions. MemberCouncillors may attend and speak at any meeting to which they have been invited either as part of any rights conferred by this Constitution (including the Councillor Call for Action in Part 9.3, which enables Councillors to require matters relating to the area they represent to be considered by the relevant Scrutiny Committee) or at the invitation of the person presiding at any meeting.~~

~~(e)~~(d) The rights conferred in (c) above do not apply in relation to any part of a meeting from which the public has been excluded. A ~~member~~Councillor has a right to attend that part of a meeting, as a non-speaking observer, if ~~s/he~~they can demonstrate a 'need to know'. Where a ~~member~~Councillor wishes to attend as ~~s/he~~they believes that there is a 'need to know' in order to properly fulfil ~~her/his~~their duties as a County Councillor then the following procedure should be followed:

1. The request should be made in writing to the Chair of the committee, giving reasons why it is necessary for the ~~member~~Councillor to attend the meeting in order to fulfil ~~her/his~~their duties as a Councillor.
2. The Chair of the committee may decline the request of a ~~member~~Councillor to attend where in ~~her/his~~their view attendance:
 - is not necessary for enabling the ~~member~~Councillor to fulfil ~~her/his~~their duties as a ~~member~~Councillor; and/or
 - should not be allowed for some other good reason(s) (which reason(s) shall be specified in writing to the ~~member~~Councillor).
3. Where a ~~member~~Councillor is dissatisfied with a determination of the chair under this procedure, ~~s/he~~they may refer the matter to the Monitoring Officer for determination.

~~(f)~~(e) The Leader of the Council, the Deputy Leader of the Council, the Leader of the Opposition (or their substitutes) and the Chair of the Council shall be entitled to attend and speak but may not vote at meetings of any Council committee or sub-committee (not being a sub-committee which is dealing with individual cases) of which ~~s/he~~is~~they are~~ not a ~~member~~member.

~~7.~~ Any ~~member~~Councillor may at the invitation of the Cabinet, committee of the Cabinet, individual ~~member~~member of the Cabinet, Scrutiny Committee or committee and sub-committee of the Council, participate in any informal ~~member~~Councillor advisory group(s), established by those individuals or bodies, except that no ~~member~~member of the Cabinet may serve as a ~~member~~member of any advisory group established by a Scrutiny Committee. Any ~~member~~ of a Scrutiny Committee who serves on an advisory group established by the Cabinet, a Committee of the Cabinet or individual member of the Cabinet should not subsequently be involved in any scrutiny of a Cabinet decision which relates directly to the advice given by that advisory group.

~~In order to ensure the proper conduct of meetings and that proceedings are not disrupted, any member of a meeting (or a substitute member), who wishes to record, tweet or blog during it, may be asked by the Chair of the meeting to remove themselves from it and take up a position in the public seating area set aside for such purposes.~~

8.7. Rights of ~~Member~~Councillors to Place Items on Agenda

- (a) All ~~member~~Councillors will have the right to propose a motion for consideration at a meeting of the ~~F~~full Council ~~in accordance with the Council Procedure Rules set out in this Constitution.~~
- (b) In accordance with the Cabinet Procedure Rules, the following will apply to placing ~~member~~Councillor items on the agenda of the Cabinet:-
 - (i) Any ~~member~~~~member~~ of the Cabinet may request the Proper Officer that an item be placed before the Cabinet. The Proper Officer will arrange for the Cabinet to consider, in the context of the Forward Plan, what arrangements to make for consideration of that item.
 - (ii) Any ~~member~~Councillor ~~of the Council~~ may make a request through a ~~member~~~~member~~ of the Cabinet that an item be placed before the Cabinet. If the Cabinet ~~Member~~~~member~~ endorses the request and so notifies the Proper Officer, that Officer will arrange for the Cabinet to consider in the context of the Forward Plan what arrangements to make for consideration of that item. When any such item is considered by the Cabinet the agenda for the meeting will give the name of the Councillor who asked for the item to be considered. The individual ~~member~~Councillor shall be invited to attend and speak at the meeting during consideration by the Cabinet of that item. If a Councillor believes that a matter should be placed before Cabinet but has been unable to get the necessary Cabinet Member endorsement, they should notify the Monitoring Officer.
- (c) In accordance with the Scrutiny Procedure Rules, the following will apply to placing ~~member~~Councillor items on the agenda of a Scrutiny Committee:
 - (i) Any ~~member~~~~member~~ of a Scrutiny Committee shall be entitled to give notice to the Proper Officer that ~~s/he~~they wishes an item relevant to the functions of the ~~Committee~~~~committee~~ to be included on the agenda for that ~~Committee~~~~committee~~. The Proper Officer will then inform the Chair of the committee. If the Proper Officer receives the request at least 10 working days before a scheduled meeting of that ~~Committee~~~~committee~~ ~~they~~he will include it on the agenda for that meeting; otherwise it will be placed on the agenda for the following meeting of that ~~c~~Committee. The individual ~~member~~~~member~~ shall have a right to speak at the meeting during consideration by the ~~scrutiny~~~~Scrutiny~~ ~~committee~~~~Committee~~ of that item.
 - (ii) ~~Any~~ ~~member~~Councillor ~~of the Council~~ shall be entitled to give notice, under the Procedure for a Councillor Call for Action set out in ~~Annex 1 to this Protocol~~Part 9.3, to the Proper Officer that ~~s/he~~they wishes an item concerning ~~her/his~~their Electoral Division and which is relevant to the functions of the committee to be included on the agenda for that committee. If the Proper Officer

receives the request at least 15 working days before a scheduled meeting of that committee ~~s/he~~they will include it on the agenda for that meeting; otherwise it will be placed on the agenda for the following meeting of that committee. The ~~member~~Councillor shall have a right to speak at the meeting during consideration by the ~~Scrutiny committee~~Committee of that item.

(ii) _____

- (iii) The leader of any political group on the Council may request the Chair and Deputy Chair of a Scrutiny Committee to include an item relevant to the functions of the ~~Committee~~ committee on the agenda of that ~~Committee~~ committee. If the Chair and Deputy Chair so agree, they shall request the Proper Officer to include such item on the agenda of that ~~Committee~~ committee. If the Proper Officer receives the request at least 10 working days before a scheduled meeting of that ~~Committee~~ committee ~~s/he~~ they will include it on the agenda for that meeting; otherwise it will be placed on the agenda for the following meeting of that ~~Committee~~ committee.
- (iv) Any 10 ~~member~~ members of the Council who are not ~~member~~ members of the relevant Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of the relevant Scrutiny Committee. If the Proper Officer receives the request at least 10 working days before a scheduled meeting of that ~~Committee~~ committee and the Chair of the committee agrees, ~~they~~ he will include it on the agenda for that meeting; otherwise (subject to the agreement of the Chair of the committee) it will be placed on the agenda for the following meeting of that ~~Committee~~ committee. Any disputes over the refusal of the Chair of the committee to include items shall be referred to the Monitoring Officer.
- (d) Any ~~member~~ Councillor of the Council may request the Proper Officer to include an item on an agenda for a Council committee or sub-committee (other than a Scrutiny Committee – provisions for which are set out above) provided that the Chair of the committee agrees and:
 - (i) notice of the request is received by the Proper Officer by 25.00 p.m. on the tenth working day before the meeting of a committee or sub-committee;
 - (ii) the subject matter of any such notified item is relevant to the powers/functions of the committee or sub-committee; and
 - (iii) the item will normally be for oral report unless 20 working days' prior notice is given to enable a report to be prepared.

The individual ~~member~~ Councillor shall be invited to attend and speak at the meeting during consideration by the committee or sub-committee of that item. Any disputes over the refusal of the Chair of the committee to include items shall be referred to the Monitoring Officer.

9.8. Information for ~~Member~~ Councillors

(a) Cabinet Forward Plan, Agenda, Reports and Minutes

All ~~members of the Councillors~~ have the right to receive an electronic copy (or hard copy on request) of:

- (i) the Cabinet Forward Plan each month when it is published;

- (ii) the agenda, reports and minutes of each meeting of the Cabinet or a committee of the Cabinet.

The voting co-opted ~~member~~memberss (for definition see Part 6.2 para 3) of the People Overview and Scrutiny Committee will have the right to receive an electronic copy (or hard copy on request) of:

- (i) the Cabinet Forward Plan each month when it is published;
- ~~(ii)~~ any items on an agenda of the Cabinet or any committee of the Cabinet which concern the discharge of any education functions.

~~An elected member or a voting co-opted member will normally receive the documents in electronic form unless exceptional circumstances apply or unless he/she is a member of the meeting in question. This will not affect the general rights under the Access to Information Procedure Rules.~~

~~Agenda, Minutes and Reports of Scrutiny Committees~~

~~All members of the relevant Scrutiny Committee will be entitled to receive a hard copy of the agenda, reports and minutes for meetings of the Committee. Any other member may only request the Proper Officer to send her/him agendas, reports or minutes or specified parts of any scrutiny committee documents in paper form in exceptional circumstances. A copy of all scrutiny committee and sub-committee agendas, reports and minutes will be placed in the Members' Resource Centre.~~

~~(e)(b)~~ Agenda, Minutes and Reports of the Council and its ~~c~~Committees (including Scrutiny Committees)

~~All memberCouncillors will be entitled to an electronic ~~hardcopy (or hard copy on request)~~ of the agenda, reports and minutes for meetings of the Full Council. All membermemberss of the relevant committee (or sub-committee) of the Council will be entitled to an electronic ~~hard-copy (or hard copy on request)~~ of the agenda, reports and minutes for meetings of the committee if they so wish.~~

10. ~~Any other member may only request the Proper Officer to send her/him agendas, reports or minutes or specified parts of any Council committee or its sub-committees in paper form in exceptional circumstances. A copy of all Council, its committee and sub-committee agendas, reports and minutes will be placed in the Members' Resource Centre.~~

11. ~~_____~~

~~11. Access via the Council's Web Site~~

12. ~~In addition to the specific rights set out in (a), (b) and (c) above, all public papers for any meeting of the Council, committee (or sub-committee) of the Council, Cabinet or Committee of the Cabinet, Scrutiny Committee (or sub-committee) or public papers where any decision is to be made by an individual member of the Cabinet or any key decision to be made by an officer will normally be available on the Council's web site five clear working days before the meeting for access by members and the public.~~

13. ~~_____~~

14. ~~The rights of elected members and co-opted members to receive information as set out in paragraphs (a) - (d) above are all subject to the provisions of the Access to Information Procedure Rules in this Constitution.~~

15. ~~_____~~

16.9. Effective Communication with ~~Member~~Councillors

- (a) The Cabinet will ensure that there are effective communications with all ~~member~~Councillors and that there are robust channels of communication established. The Cabinet should take an inclusive approach to its work and ensure that there is wide consultation with all ~~member~~Councillors both within the formal decision-making process and outside it.
- (b) Officers are required to keep ~~member~~Councillors informed, both about the major issues concerning the County Council and other matters which affect the County, and Directors have a responsibility to put in place mechanisms to ensure that this happens and shall report quarterly to the Monitoring Officer on their directorate's compliance with the communication requirements under this Section.¹
- (c) Officers are required to keep ~~member~~Councillors informed and, **where appropriate**, consult them in advance about significant issues, ~~events, agenda items, formal discussions and other aspects of Council business~~ which affect or may affect the areas which a ~~member~~Councillor represents. These instances will include but are not limited to including:
 - (i) the sale or purchase of any land;
 - (ii) a proposed traffic management scheme or a proposed local planning application;
 - (iii) where legal/administrative action is to be taken on behalf of the Council involving the publication of statutory or other public notices affecting a member's division the member will be advised, where possible, before or, if not before, concurrently with publication;
 - (iv) consultation prior to any decision being made by the Cabinet, committee of the Cabinet, individual Cabinet Member, committee of the Council or officer about the construction of any new road, service area, building or footpath or the postponement or cancellation of such projects or diversion or extinguishment of any public footpath;
 - (v) copies of letters or e-mails received from other statutory bodies informing the Council of any new scheme of works, e.g. the laying of a new sewer or gas main through the division;
 - (vi) copies of letters or e-mail messages sent by any ~~member~~member of the Cabinet, or an officer in reply to any District Councillor or Town/Parish Councillor on a divisional matter;
 - (vii) consultation about proposed section 106 and other infrastructure agreements and progress reports on implementation of completed agreements, in accordance with guidance issued by the relevant Director ~~for Environment & Economy~~.

¹ ~~Directors will need to determine what information is appropriate to share with ~~Member~~Councillors but this will not normally include personal data.~~

- (d) The Director for Children, Education & Families will ensure that ~~member~~Councillors are informed about ~~appropriate and~~ significant matters concerning schools whose catchment areas lie within their divisions.
- (e) Constituency correspondence from or to a ~~Member~~Member of Parliament will be copied to a relevant ~~councillor~~Councillor if the ~~Member of Parliament's original letter or e-mail message was copied to that Councillor or if the MP indicates a willingness for it to be copied to a Councillor.~~
- (f) Where the Cabinet or a committee of the Cabinet, or an individual Cabinet ~~Member~~Councillor, or a committee or sub-committee of the Council is to consider any matter which directly relates to an Electoral Division, the ~~member~~Councillor for that Division will be consulted before any decision is reached. This will also apply to any Scrutiny Committee where it is reviewing a decision or investigating any matter which relates to one Electoral Division. The ~~member~~Councillor's right to comment will include:
 - (i) the submission of written comments to the Proper Officer for report to the decision maker;
 - (ii) attendance at the meeting at which the decision is to be made and the right to speak on it for not more than ~~five~~5 minutes²;
 - (iii) Where the decision is to be made by an individual ~~member~~member of the Cabinet, the local ~~member~~Councillor will be given every opportunity of meeting with the decision maker prior to the decision being made.

~~In (ii) above the member will be given advance notice of the meeting and if the member wishes to attend and speak, notice of that intention shall be given to the Proper Officer no later than 9.00 am on the working day before the meeting.~~
- (g) ~~Member~~Councillors will be invited to attend the opening of a new County Council building or road scheme or other ceremonies or events in their electoral division.

17.10. Local Meetings

Where the Cabinet, a committee of the Cabinet, an individual Cabinet ~~Member~~Member, a committee or sub-committee of the Council or an officer has organised any ~~member~~meeting to discuss with a local group(s) issues specifically affecting their divisions, the local ~~member~~Councillor(s) will be advised and have the right to attend and speak at such meetings.

² ~~This is not restricted to matters relating only to one Division but also to any matter across a number of Divisions where there are local implications.~~

18.11. Rights of ~~member~~Councillors to Access to Documents and Other Information

(a) **Material Relating to Key Decisions**

In accordance with the Access to Information Procedure Rules, all ~~members of the~~ CCouncillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or a committee of the Cabinet or an individual Cabinet ~~Member~~Member which relates to any key decision to be taken as set out in the Forward Plan unless paragraph (i), (ii) or (iii) below applies:

- (i) ~~any it is a~~ private briefing document from an officer to the Cabinet, individual Cabinet ~~Member~~Member or a political Group;
- (ii) it contains exempt information falling within paragraphs 1, 2, 3 (if relating to contract terms in the course of negotiation), 4, 5, 7 or 7A-C of the categories of exempt information as defined in the Access to Information Procedure Rules;
- (iii) it contains the advice of a political adviser.

Where a ~~member~~Councillor wishes to inspect any document, which contains exempt information falling within (ii) above as ~~s/he~~they believes that there is a "need to know" in order to properly fulfil ~~her/his~~their duties as a County Councillor then the following procedure should be followed:

1. The request should be made in writing to the relevant Chief Officer who has possession of the information, giving reasons why it is necessary for the ~~member~~Councillor to have the information in order to fulfil ~~her/his~~their duties as a Councillor.
2. A Chief Officer may decline the request of a ~~member~~Councillor to produce for inspection a document where in ~~their~~her/his view access to the document:
 - is not necessary for enabling the ~~member~~Councillor to fulfil ~~her/his~~their duties as a ~~member~~Councillor; and/or
 - should not be provided for some other good reason(s) (which reason(s) shall be specified in writing to the ~~member~~Councillor).
3. Where a ~~member~~Councillor is dissatisfied with a determination of a Chief Officer under this procedure ~~they~~he may refer the question to the Monitoring Officer.

(b) **Material Relating to Executive and Non-Executive Decisions and to Previous Business**

All ~~member~~Councillors will be entitled to inspect any document which is in the possession or under the control of the Cabinet or a committee of the Cabinet or an individual Cabinet ~~Member~~Member or a committee or sub-committee of the Council and contains material relating to any

business to be transacted at a meeting or previously transacted at a meeting

unless either (i), (ii) or (iii) in (a) above applies, in which case the procedures in (a) 1 - 3 above will apply to any requests for access to confidential or exempt information.

(c) **Restriction on Disclosure of Confidential and Exempt Information**

The Code of Conduct set out in this Constitution restricts the disclosure of information by ~~member~~Councillors which they have gained as County Councillors when the information is confidential or exempt or is marked "Not for Publication". Such information should not therefore be made available by the ~~member~~Councillor concerned to the public. When the Proper Officer has restricted circulation of the report it should not be passed on to another ~~member~~Councillor without the Proper Officer's consent (which will be based on a determination of a 'need to know'). ~~Information classed as confidential or exempt may nonetheless become disclosable at a later date. Any questions concerning the application of the restriction will be determined by the Monitoring Officer.~~

~~(d) Dealing with Difficulties~~

~~If members are not receiving, or are having difficulty in obtaining, information which they feel they need or to which they are entitled in order to carry out their duties as a county councillor they should contact the Monitoring Officer, just as officers will seek guidance from her/him.~~

19.12. Criminal Records Checks for Councillors

In accordance with the Council's decision on 10 September 2013, all Councillors will be required immediately after their election to undergo a criminal records check through the Disclosure and Barring Service (DBS). No ~~councillor~~Councillor or co-opted ~~member~~Councillor shall be required to undergo checking if ~~s/he~~they ~~has~~ been the subject of a DBS check within the previous twelve months of ~~her/his~~their election or appointment. ~~Where this is the case, that person shall notify the Monitoring Officer of the existence and outcome of such a check immediately after her/his election or co-option.~~

20.13. Access to County Council Establishments

- (a) ~~Member~~Councillors should have access to any County Council establishments or premises where this is necessary for them to discharge their responsibilities as County Councillors. However, ~~member~~Councillors should always inform the manager of the establishment or a senior officer responsible for the service before they visit to ensure that it is convenient to do so.
- (b) ~~Member~~Councillors should be sensitive to the fact that some establishments will be home to those who live there and they should therefore seek to ensure that their visit does not adversely affect the running of the establishment or disturb the residents who live there.

- (c) Where ~~member~~Councillors wish to undertake activities in any County Council premises, this should be purely in connection with their duties as County Councillors and not for any other purpose.

21.14. Use of County Council Equipment and Services

Where facilities, equipment and services are provided to ~~member~~councillors this is made available on the basis that it is to enable them to carry out their activities as County Councillors and should be used only on that basis. A separate policy (including an Annex for ~~councillors~~-Councillors and co-opted ~~member~~Councillors) on the acceptable use of ICT has been agreed by the Council and it is appended to this Protocol.

22.15. Nature of Rights

The rights of ~~member~~Councillors set out in this Protocol are additional to any other rights conferred by this Constitution or which ~~they~~/he may have under the law.

Protocol on Member/Officer Relations

1. Introduction

This protocol seeks to strengthen good working relationships between Members and Officers, to clarify possible areas of doubt and to offer advice as to how any difficulties can be resolved speedily.

2. Underlying Principles

The following general principles apply to all relations involving Members and Officers:-

All relations shall be conducted:-

- with respect honesty and integrity;
- in a way which promotes objectivity, accountability and openness; and
- acknowledging the duty of confidentiality.

3. Roles and Responsibilities

(a) Members

All members have important roles to play which will include representing the views of their constituents and promoting the welfare of the communities they represent and acting together as the full Council. The Council will appoint members to serve on the Cabinet, Scrutiny and Council Committees as appropriate. Members can also be appointed to represent the Council on a range of external bodies whose work is of importance to the Council and the community.

(b) Officers

- (i) Officers are employed by and serve the whole Council. They are responsible for the day-to-day managerial activities and operational decisions which the Council takes and should provide support to all members in their several roles. All officers must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. They should at all times maintain impartiality and be aware of the potential for conflict in providing effective support to members. Where an officer feels that their political neutrality or integrity is being compromised in any way, they will notify their Director and where appropriate the Head of Paid Service.
- (i) Directors have responsibilities and accountabilities to the Head of Paid Service who has responsibilities for the proper management of the Authority's officers. Some officers have specific statutory responsibilities as statutory office holders as well, such as the Monitoring Officer and the Chief Finance Officer. Officers are responsible to the Council through their line manager and ultimately their Director and the Head of Paid Service.

4. The Relationship Between the Cabinet and Officers

The Head of Paid Service, Directors and other senior officers, will inevitably need to work closely with members of the Cabinet if there is to be effective executive decision-making. This relationship has to function without compromising the ultimate responsibilities of officers to the Council as a whole. The Cabinet will seek advice from the relevant officers before taking decisions. Appropriate officers should also attend decision-making meetings of the Cabinet as required.

5. The Relationship Between the Scrutiny Committees and Officers

- (a) It shall be the duty of all officers to provide the support necessary to enable a Scrutiny Committee to undertake policy development and review activities commissioned by the Cabinet.
- (b) Where a Scrutiny Committee commissions work, or wishes to review a decision to be made or which has been made by the Cabinet, then officer advice and support will be provided. In addition, the Council will make funding available to purchase internal or external support to assist it in undertaking its role. It shall be the duty of all officers to comply with requests for information and assistance.
- (c) A Scrutiny Committee may ask members of the Cabinet, Directors or their nominees to attend a meeting of that Committee in order that they can be questioned about their decisions and service delivery. The member or officer concerned will be given 10 working days notice of the meeting and informed about the issues to be raised and whether the Committee require any background information. Where, in exceptional circumstances the relevant person is unable to attend on the required date, an alternative date shall be arranged.

- (d) Where in (c) above officers are asked to attend meetings of Scrutiny Committees to answer questions, their evidence should as far as is possible be confined to questions of fact and explanation. Officers may also be asked to explain and justify decisions they have taken under delegated powers.
- (e) Where officers attend Scrutiny Committees in accordance with (c) above, any comment by officers on the Cabinet's policies and actions should always be consistent with the requirement for officers to be politically impartial.
- (f) Where a Scrutiny Committee conducts investigations and asks people to attend its meetings to give evidence, such meetings are to be conducted in accordance with the following principles:
 - (i) That all members of the Committee are given the opportunity to ask questions, contribute and speak;
 - (ii) That those assisting the Committee are treated with respect and courtesy;
 - (iii) That the investigation is conducted fairly and efficiently.

6. Relationships Between Council Committees and Officers

Committees of the Council shall seek advice from relevant officers before taking decisions and when considering any report or matter.

7. Respect and Courtesy

- (a) For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between members and officers. This, too, plays an important part in the Council's reputation and how it is seen in public.

- (b) If an officer is in breach of this requirement then their Director or the Head of Paid Service will need to consider whether there had been a breach of the Officers' Code of Conduct as set out in this Constitution, and what appropriate action would be taken. If a member is in breach, then the Leader of their political group within the County Council will treat the matter as extremely serious and, if appropriate, the Monitoring Officer will be asked to consider whether there has been a breach of the Members' Code of Conduct as set out in this Constitution.

8. Undue Pressure

- (a) A member should not apply undue pressure on an employee, either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours.
- (b) Similarly, an officer must neither seek to use undue influence on an individual member to make a decision in their favour nor raise personal matters to do with their job nor make claims or allegations about other employees.

9. Familiarity

Close personal familiarity between individual members and officers can damage the principle of mutual respect, cause embarrassment and lead to suspicions of favouritism. It could also lead to the passing of confidential information. It is not generally appropriate for officers and councillors to request or accept each other as 'Friends' on social media (although it is generally acceptable for them to 'follow' comments made by each other and to be members of social media 'groups' together).

10. Redress

- (a) If a member considers that they have not been treated with proper respect or courtesy, they may raise it with the employee's line manager or Director if they fail to resolve it directly. If the issue is not resolved, a member may raise the issue with the Head of Paid Service.

- (b) If an officer feels the same way about a member, they should raise the matter with their line manager or Director. In such circumstances the Director will (if appropriate) approach either the individual member and/or Party Group Leader. The Director will inform the Head of Paid Service and the Monitoring Officer if the Party Group Leader becomes involved and will approach the Monitoring Officer if it seems that there has been a breach of the Members' Code of Conduct.

11. Political Activity

- (a) Senior officers, except those specially exempted, cannot be local authority councillors or MPs, nor can they do anything with the apparent intention of affecting public support for a political party.
- (b) Where attendance of officers is requested at meetings of political groups the following will apply:-
 - (i) Officers must not be involved in advising any political group of the Council or attend any of their meetings in an official capacity without the express consent of their Director and the Head of Paid Service. All requests for attendance of Directors or their appropriate representative at group meetings shall be submitted by the appropriate political group to the Head of Paid Service with a brief note of the items to be discussed.
 - (ii) Directors invited to attend group meetings may be accompanied by such other officers as they and the Head of Paid Service consider desirable. No officer shall be required to attend political group meetings.
 - (iii) Where officers attend political group meetings, members present should be particularly mindful of the political neutrality of officers.

- (iv) Proceedings at group meetings are confidential and officers must not disclose information obtained from such meetings to other persons without the consent of the Leader of the Group concerned.
- (v) Meeting of Political Groups shall not be deemed meetings for the purposes of this Constitution.

12. Press and Media

Officers dealing with the press and media, and any press/media releases that are issued on behalf of the Council, should not seek to further the interests of a political group or a particular member other than as a representative of the Council.

13. Application of Protocol to Non-Councillors

This Protocol shall apply as appropriate to non-councillors who are members of any Committee or Sub-Committee of the Council. They will also have the same rights to advice from officers on Council related matters as members have.

Protocol on Member/Officer Relations

1. Introduction

~~Standards of Conduct for members and officers are contained in separate Codes of Conduct set out in this Constitution. Whilst these are detailed documents, they do not cover explicitly some of the issues arising from the close working relationships which are needed between the members and officers if high value quality services are to be delivered and if the mutual confidence of members and officers is to be maintained. Any misunderstandings on these issues can, particularly at times of great uncertainty and change, give rise to unnecessary stresses and tensions which, if not resolved, can harm the effectiveness of these relationships. This protocol cannot and does not seek to cover every eventuality, but it does seek to strengthen the good working relationships which already exist between Members and Officers, to clarify possible areas of doubt and to offer advice as to how any difficulties which might arise can best be resolved properly and speedily, without recourse, if possible, to the Council's more formalised procedures. Advice on the interpretation of the protocol will be given by the Monitoring Officer.~~

2. Underlying Principles

The following general principles apply to all relations involving Members and Officers:-

All relations shall be conducted:-

- ~~• with respect for others and in a way which promotes equality;~~
- ~~with~~ honesty and integrity;
- ~~• acknowledging the duty to uphold the law and act in accordance with the trust placed in them by the public;~~
- in a way which promotes objectivity, accountability and openness; and
- ~~• acknowledging the duty of confidentiality that exists in relation to information given in confidence and which the Council is entitled by law to treat as confidential;~~
- with a view to establishing and promoting positive working relationships.

~~(b) Much of this protocol primarily concerns the relationship between members and senior managers, but the same principles apply to all employees (termed officers in the Constitution).~~

3. Roles and Responsibilities

(a) Members

All members have important roles to play which will include representing the views of their constituents and promoting the welfare of the communities they represent and acting together as the full Council. The Council will appoint members to serve on the Cabinet, Scrutiny and Council Committees as appropriate. Members can also be appointed to represent the Council on a range of external bodies whose work is of importance to the Council and the community. ~~Further details on the rights and responsibilities of members are set out in the Protocol on Members' Rights in this Constitution. The role and conduct of members is also defined by statute, primarily the Local Government Act 2000.~~

(b) Officers

(i) Officers are employed by and serve the whole Council. They are responsible for the day-to-day managerial activities and operational decisions which the Council takes and should provide support to all members in their several roles. All officers ~~whether or not they hold politically restricted posts as defined by the Local Government & Housing Act 1989,~~ must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. They should at all times maintain impartiality and be aware of the potential for conflict in providing effective support to members. Where an officer feels that ~~her/his~~their political neutrality or integrity is being compromised in any way, ~~s/he~~they will notify ~~her/his~~their Director and where appropriate the Head of Paid Service. ~~All officers are required to abide by the County Council's Anti-Fraud and Corruption Strategy and also the Council's Code of Conduct for Officers set out in this Constitution.~~

~~(ii) —~~ Directors have responsibilities and accountabilities to the Head of Paid Service who has responsibilities for the proper management of the Authority's officers. Some officers have specific statutory responsibilities as statutory office holders as well, such as the Monitoring Officer and the Chief Finance Officer; ~~these are set out in this Constitution.~~ Officers are responsible to the Council through their line manager and ultimately their Director and the Head of Paid Service. ~~The Council places considerable importance on effective communication and consultation with its officers and the Protocol on Consultation with Employees in this Constitution sets out the formal arrangements for this. Directors and senior managers are also expected to foster effective communications~~

~~for those for whom they are responsible and to ensure that effective mechanisms are in place for doing this.~~

4. The Relationship Between the Cabinet and Officers

The Head of Paid Service, Directors and other senior officers, will inevitably need to work closely with members of the Cabinet if there is to be effective executive decision-making. This relationship has to function without compromising the ultimate responsibilities of officers to the Council as a whole, ~~and with due regard to such technical, financial, professional and legal advice that officers legitimately provide.~~ The Cabinet will seek advice from the relevant officers before taking decisions. Appropriate officers should also attend decision-making meetings of the Cabinet as required.

5. The Relationship Between the Scrutiny Committees and Officers

- (a) ~~Where Scrutiny Committees are undertaking policy development and review activities commissioned by the Cabinet, officer advice and support will be made available by Directors responsible for managing these activities. It shall be the duty of all officers to provide the support necessary to enable a Scrutiny Committee to undertake policy development and review activities commissioned by the Cabinet.~~
- (b) ~~Where a Scrutiny Committee commissions work as part of its own programme of reviews (whether internal to the Council or external), or wishes to review a decision to be made or which has been made by the Cabinet, then officer advice and support will be provided by those staff who are directly allocated to support the scrutiny function. In addition, the Council will make funding available to enable a Scrutiny Committee to purchase internal or external support, and to pay the expenses of expert witnesses etc. to assist it in undertaking its scrutiny review role. It shall be the duty of all officers to comply with requests for information and assistance to enable the Scrutiny Committees to discharge their responsibilities effectively. The effective use of staff and financial resources will be overseen by the Co-ordinating Group of Chairmen and Deputy Chairmen as set out in the Scrutiny Procedure Rules of this Constitution.~~
- (c) A Scrutiny Committee may ask members of the Cabinet, Directors or their nominees to attend a meeting of that Committee in order that they can be questioned about their decisions and performance service delivery. The member or officer concerned will be given 10 working days notice of the meeting and informed about the issues to be raised and whether the Committee require any background information. Where, in exceptional circumstances the relevant person is unable to attend on the required date, an alternative date shall be arranged.

- (d) Where in (c) above officers are asked to attend meetings of Scrutiny Committees to answer questions, their evidence should as far as is possible be confined to questions of fact and explanation. ~~Officers should explain what the policies are, the justification and objectives of those policies as the Cabinet sees them, the extent to which those objectives have been met and how administrative factors may have affected both the choice of policy measures and the manner of their implementation.~~ Officers may also be asked to explain and justify decisions they have taken under delegated powers.
- (e) Where officers attend Scrutiny Committees in accordance with (c) above, ~~they should as far as possible avoid being drawn into discussion about the merits of alternative policies where this is politically contentious. Where such comment is required this should be provided by a member of the Cabinet.~~ Any comment by officers on the Cabinet's policies and actions should always be consistent with the requirement for officers to be politically impartial.
- (f) Where a Scrutiny Committee conducts investigations and asks people to attend its meetings to give evidence, such meetings are to be conducted in accordance with the following principles:
 - (i) ~~That~~ That the investigation is conducted fairly and ~~a~~all members of the Committee are given the opportunity to ask questions, contribute and speak;
 - (ii) That those assisting the Committee are treated with respect and courtesy;
 - (iii) That the investigation is conducted fairly and ~~so as to maximise the efficiency of the investigation or analysis.~~

6. Relationships Between Council Committees and Officers

Committees of the Council shall seek advice from relevant officers before taking decisions and when considering any report or matter.

7. Respect and Courtesy

- (a) For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between members and officers. This, too, plays an ~~very~~ important part in the Council's reputation and how it is seen in public. ~~It is very important that both members and officers remember their obligations to enhance the Council's reputation and it is inappropriate for members to criticise individual officers personally in public forums where officers have no opportunity to respond.~~

- (b) If an officer is in breach of this requirement then ~~her/his~~their Director or the Head of Paid Service will need to consider whether there had been a breach of the Officers' Code of Conduct as set out in this Constitution, and what appropriate action would be taken. If a member is in breach, then the Leader of ~~her/his~~their political group within the County Council will treat the matter as extremely serious and, if appropriate, the Monitoring Officer will be asked to consider whether there has been a breach of the Members' Code of Conduct as set out in this Constitution.

8. Undue Pressure

- (a) ~~In their dealings with officers (especially junior officers) members need to be aware that it may be easy for officers to be overawed and feel at a disadvantage. Such feelings can be intensified where members hold official and/or political office. A member should not apply undue pressure on an employee, either to do anything that s/he~~they is/are not empowered to do or to undertake work outside normal duties or outside normal hours.
- (b) Similarly, an officer must neither seek to use undue influence on an individual member to make a decision in ~~her/his~~their favour nor raise personal matters to do with ~~her/his~~their job nor make claims or allegations about other employees. ~~The Council has formal procedures for consultation, grievance and discipline.~~

9. Familiarity

~~Without detriment to the need for effective working relationships, particularly between the Cabinet and senior officers, c~~Close personal familiarity between individual members and officers can damage the principle of mutual respect, cause embarrassment and lead to suspicions of favouritism. It could also, ~~intentionally or accidentally,~~ lead to the passing of confidential information, or information which should not properly be passed between them, e.g. personal details. Such familiarity could also cause embarrassment to other members and/or other employees and even give rise to suspicions of favouritism. For instance, ~~it~~ is not generally appropriate for officers and councillors to request or accept each other as 'Friends' on social media such as Facebook (although it is generally acceptable for them to 'follow' comments made by each other and to be members of social media 'groups' together).

10. Redress

- (a) If a member considers that they have not been treated with proper respect or courtesy, they may raise it with the employee's line manager or Director ~~without delay~~ if they fail to resolve it ~~through~~ directly discussion. If the issue is not resolved, a member may raise the issue with the Head of Paid Service ~~who will need to consider whether there had been a breach of the Officers' Code of Conduct as set out in this Constitution, and what appropriate action would be taken.~~

- (b) If an officer feels the same way about a member, ~~s/he~~they should raise the matter with ~~her/his~~their line manager or Director ~~as appropriate without delay especially if s/he does not feel able to discuss it with the member concerned.~~ In such circumstances the Director will ~~take such action as is appropriate, by approaching~~(if appropriate) approach either the individual member and/or Party Group Leader. The Director will inform the Head of Paid Service and the Monitoring Officer if the Party Group Leader becomes involved, ~~or in any other case where that is appropriate~~ and will approach the Monitoring Officer if it seems that there has been a breach of the Members' Code of Conduct ~~as set out in this Constitution.~~

11. Political Activity

- (a) Senior officers, except those specially exempted, cannot be local authority councillors or MPs, nor can they ~~"speak or publish written work for the public at large or to a section of the public~~do anything with the apparent intention of affecting public support for a political party".
- ~~(b) Officers are employed by the County Council as a whole and are ultimately responsible to the Head of Paid Service and not to individual members of the Council, whatever office they might hold. Their conduct is subject to the application of the County Council's employment policies and procedures and the Code of Conduct for Officers set out in this Constitution.~~
- ~~(c)~~(b) Where attendance of officers is requested at meetings of political groups the following will apply:-
- (i) Officers must not be involved in advising any political group of the Council or attend any of their meetings in an official capacity without the express consent of their Director and the Head of Paid Service. All requests for attendance of Directors or their appropriate representative at group meetings shall be submitted by the appropriate political group to the Head of Paid Service with a brief note of the items to be discussed.
 - (ii) Directors invited to attend group meetings may be accompanied by such other officers as they ~~and~~consider necessary and ~~such other Directors or their representatives as the Head of Paid Service may consider desirable in the light of the items to be discussed.~~ No officer shall be required ~~as a condition of her/his service to attend political group meetings, if s/he prefers not to so do.~~
 - (iii) Where officers attend political group meetings, members present should be particularly mindful of the political neutrality of officers. ~~Members should avoid making any comments which would compromise the integrity and impartiality of the officers present. They should also avoid situations which involve conflicts between the interests of the political group and the interests of the Council.~~

- (iv) Proceedings at group meetings are confidential and officers must not disclose information obtained from such meetings to other persons without the consent of the Leader of the Group concerned.
- (v) Meeting of Political Groups shall not be deemed meetings for the purposes of this Constitution.
- ~~(vi) This procedure does not apply to Directors or, with the Directors' agreement, their staff involved in informal private meetings of the Cabinet with the County Council Management Team. Nor does this procedure obviate the necessity for regular contact between the Head of Paid Service, Directors and other senior officers and the Cabinet, the Leader and Deputy Leader of the Council and other members of the Cabinet, the Chair and Vice Chair of the Council, the Chairs and Deputy Chairs of Scrutiny Committees and Council Committees, other members or the leadership of political groups.~~

12. Press and Media

Officers dealing with the press and media, and any press/media releases that are issued on behalf of the Council, should not seek to further the interests of a political group or a particular member other than as a representative of the Council. ~~The Council will follow such national codes and guidance on press and publicity as are in force from time to time.~~

13. Application of Protocol to Non-Councillors

This Protocol shall apply as appropriate to non-councillors who are members of any Committee or Sub-Committee of the Council. They will also have the same rights to advice from officers on Council related matters as members have.